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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

outgoing

September 14, 2007

Kennecott Utah Copper Corporation  
Attn: Rowan Jackson-McGowan  
P.O. Box 6001  
Magna, Utah 84044-6001

Subject: Response to Extension Request N2007-58-01, Kennecott Utah Copper Corporation, Bingham Canyon, M/035/002, Salt Lake County, Utah

Dear Mr. McGowan:

This letter is responding to your request to extend the abatement time until October 31, 2007. The extension request is granted as shown in the attached modification form.

As stated in your letter Kennecott will take following actions to address each affirmative action in order to abate the violation.

**Item 1:** Additional measures to minimize future damage to natural channels will be addressed in the settlement proposal.

**Item 2:** Detailed erosion control designs for all erosion control structures to show sediment is being controlled, contained and treated in the Butterfield Canyon area are provided with the September 11, 2007 letter and optimization of these designs will be addressed in the settlement proposal.

**Item 3:** Demonstration of how deleterious materials (sediment) will be kept in an isolated condition and submission of an implementable sediment-sampling plan will be part of ongoing settlement discussions.

**Item 3a:** Sediment/debris that flowed outside of the permit area is currently being cleaned up, and identified to the following areas: a) culvert under the county road and Kennecott will continue to work with Mr. Dansie regarding the thin sediment layer in his field.

**Item 3b:** Removed sediment is being taken to Copper Notch and will be pushed onto the out slope of Keystone dump. Kennecott is willing to sample sediment as potential plant growth medium.

**Item 4:** Kennecott provided the Division with a copy of the 2004 Risk Assessment Memo as a response to a stability analysis of the Butterfield Canyon dumps and further discussion will result pertaining to the study and plans for slope stabilization.

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Kennecott Utah Copper Corporation

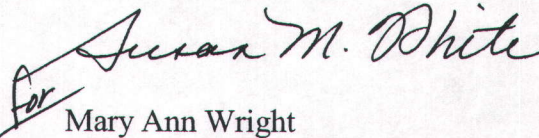
M/035/002

September 13, 2007

The Division will review the submitted erosion control designs (Item 2) and the Call and Nicholas, Inc. Risk Assessment Memo (Item 4) and provide comments back to you by October 5, 2007. Please remember that part of the abatement is to submit the erosion control designs, sediment sampling plan, and slope stability analysis in a format that is suitable for incorporation into the appropriate section of the 2003 Reclamation and Water Management Plan.

We look forward to continuing the discussions concerning efforts to resolve this violation. If you should have any questions or comments please call.

Sincerely,

  
For Mary Ann Wright  
Associate Director Mining

SMW:BE:pb

cc: Beth Ericksen  
Tom Munson  
Daron Haddock  
Susan White  
Douglas Bacon

Enc: Modification of Notice of Violation/Cessation Order original

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